

Serial No. 09/785,413
Docket No. FJ-2000-043-US

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AUG 09 2007

REMARKS

Applicants concurrently file herewith a Petition for Extension of Time, and corresponding extension of time fee, for a two-month extension of time.

Claims 51-88 and 99-109 are all of the claims presently pending in the application. Claims 51, 61, 81, 87, 106 and 107 have been merely editorially amended and have not been substantively amended to more particularly define the claimed invention.

Entry of this Amendment is believed proper since no new issues are being presented to the Examiner that would require further search and/or consideration.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claims 51-86, 99, 100 and 107-109 would be allowable if amended to overcome the 35 U.S.C. §112 rejection and that claims 87, 88 and 101-107 would be allowable if amended to overcome the claim objections.

In a telephonic interview, conducted on August 2, 2007, the Examiner proposed an Examiner's Amendment, which would place the Application in condition for immediate allowance. During a subsequent telephonic interview, conducted on August 6, 2007, in which Applicants' representative indicated that the proposed Examiner's Amendment was acceptable, the Examiner indicated that he had already issued an Advisory Action and that the Applicants must submit a Second Amendment under 37 C.F.R. §1.116 to enter the Examiner's Amendment.

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Applicants submit that the above amendments to the claims reflect the proposed Examiner's Amendment. Additionally, the Examiner indicated that the amendments to the claims, included in the Amendment filed on July 9, 2007, will not be entered. Accordingly, the present amendments to the claims again include the amendments submitted on July 9, 2007.

The Examiner alleges that "the Information Disclosure Statement filed on April 17, 2001 appears to have been considered prior to the Office Action mailed November 29, 2004" (see Office Action dated March 9, 2007 at page 2; emphasis added by Applicants). Applicants submit, however, there is no evidence on the record to support the Examiner's allegation with respect to the Information Disclosure Statement (IDS) filed April 17, 2001. Furthermore, the Examiner has not provided Applicants with an initialed copy of the PTO Form-1449, which accompanied the IDS filed on April 17, 2001. Therefore, Applicants again request the Examiner to consider the IDS filed on April 17, 2001 and Applicants request the Examiner to provide Applicants with a copy of the initial PTO Form-1449.

Applicants submit that the claims have been amended in a manner believed fully responsive to the Examiner's objections.

In view of the foregoing, Applicants submit that claims 51-88, and 99-109, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit

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any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Date: August 9, 2007

Respectfully Submitted,



Scott M. Tulino, Esq.
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Sean M. McGinn, Esq.
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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2622, at
(571) 273-8300, on August 9, 2007.

Date: August 9, 2007

Respectfully Submitted,



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